



A publication of Fairfax County, Virginia



CODE COMPLIANCE GUIDELINE

CONTROLLED BURNING

**** PERMIT REQUIRED ****

Office of the Fire Marshal Fire Inspections Branch

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This publication outlines the Fire Prevention Code fire safety requirements and prohibitions as well as permit application and inspection scheduling information related to controlled burning conducted within Fairfax County and the towns of Clifton, Herndon, and Vienna. This publication does not address recreational fires, bonfires, charcoal grills and open-flame cooking devices, or portable outdoor fireplaces.

*** PLEASE REVIEW THIS ENTIRE PUBLICATION BEFORE TAKING ACTION ***

Questions regarding the content of this publication should be directed to the Fire Inspections Branch at 703-246-4849 during regular office hours, Monday thru Friday, 8:00 a.m. to 4:30 p.m.

OVERVIEW

Controlled burning is the destruction and reduction of land-clearing waste on properties larger than five acres through a controlled open burning process resulting from permitted land-clearing operations, agricultural operations, natural disasters, and may include the use of an Air Curtain Destructor (ACD) or Pit Incinerator (PIT). Controlled burning is a form of open burning and is not permitted in volatile organic compounds emissions control areas including Fairfax County and the towns of Clifton, Herndon, and Vienna during the months of May, June, July, August, and September of each year. Controlled burning requires a Fire Prevention Code (FPCP).

OPEN BURNING DEFINED. The Fire Prevention Code defines "open burning" as the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PERMIT REQUIRED

In accordance with Section 307.2 of the Fire Prevention Code (as amended by Fairfax County), if under the requirements of the County of Fairfax Air Pollution Control Chapter (Chapter 103, Fairfax County Code) open burning is allowed, a Fire Prevention Code Permit (FPCP) for controlled burning shall be obtained from the Fire Marshal for each location. A permit may be valid for up to 90 days for a single location and may be renewed upon application to the Fire Marshal. This permit requirement does not apply to recreational fires, fire set for the training of firefighters under the direction of the Chief of the Fire Department, or fire set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

PERMIT APPLICATION. Complete an FPCP application for controlled burning and include the documentation or information listed below. The permit (FPCP) application is available online at:

www.fairfaxcounty.gov/fr/prevention/fmpublications/frd_069.pdf

The following documentation or information must be submitted with the FPCP application:

1. **Property Owner Consent.** A letter from the owner of the property granting the applicant permission to conduct controlled burning on said property must accompany the FPCP application. Controlled burning shall be prohibited on the property of another without the express written permission of the property owner.
2. **Site Plan.** A plat or site plan of the property shall be provided with the FPCP application and shall show the following information:
 - Proposed location of the controlled burning operation.
 - Location of all utilities such as gas meters and overhead power lines.
 - Location of all structures and woodlands within 150 feet of the burn location.
 - Location of the two closest fire hydrants and all fire department access routes.
3. **Property Parcel Number & Land Area.** Controlled burning operations shall only be permitted on properties with 5 acres (217,800 square feet) or more. The permit will only be valid for the parcel of land for which it is issued. Record the parcel number and land area (i.e., acreage or square footage) for the proposed controlled burn location on the FPCP application. Locations or "parcels" for controlled burning operations can be identified from Fairfax County real property maps. Detailed information about land parcels located within Fairfax County, including the parcel number and land area, can be accessed from the "My Neighborhood" Internet mapping and information reporting application online at:

www.fairfaxcounty.gov/gisapps/myneighborhood/

SITE INSPECTION & APPROVAL REQUIRED

Ready to Burn? When the controlled burn operation is ready to commence, you must first arrange for a site inspection with the Fire Marshal. Burning may not commence until a valid FPCP for controlled burning has been issued. Follow these steps:

1. **Schedule a Site Inspection.** The site inspection must be scheduled at least one business day prior to the start of the controlled burn operation. To schedule the site inspection, contact the Fire Inspections Branch at 703-246-4849 (ext "0"), Monday-Friday, 8:00 a.m.- 4:30 p.m.
2. **Notify DPSC.** Notification is a condition of the permit and may help reduce unnecessary emergency responses by the fire department. Thirty (30) minutes prior to the start of a controlled burn operation, and only after approval has been granted by the Fire Marshal in the form of a valid permit (FPCP), contact the Fairfax County Department of Public Safety Communications (DPSC) at 703-691-2131 and provide/obtain the following information:
 - Provide the address/location of the controlled burn and the permit (FPCP) number.
 - Provide the approximate duration of burn.
 - Obtain the event number for the notification and record it on your permit.
 - Advise DPSC that you will call at the conclusion of the controlled burn confirming that all burning activities have stopped.
3. **Post-Burn Requirements.** At the conclusion of the controlled burning, be sure the fire is completely extinguished and notify DPSC at 703-691-2131 that burning has stopped.

Spot Inspections. Periodic spot inspections may be conducted by the Fire Marshal and/or the fire department to ensure compliance with fire safety requirements. Also, DPSC should be periodically updated when the controlled burn operation continues longer than a single day and/or after midnight of each day.

FIRE SAFETY REQUIREMENTS

In addition to the general prohibitions, forestry-related requirements and prohibitions, and air quality restrictions listed below, the following fire safety requirements apply to controlled burning conducted in Fairfax County and the towns of Clifton, Herndon, and Vienna:

1. **Minimum of Five Acres.** Controlled burning shall be prohibited on properties of less than five acres (217,800 square feet).
2. **Property Owner Permission.** Controlled burning may only be conducted with the property owner's permission. No person shall kindle nor authorize to be kindled nor maintain any controlled burn in such a manner that will endanger the property of another.
3. **Distance from Combustibles.** Controlled burning not be conducted within 50 feet of a structure or combustible material. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.
4. **Allowable Fuels.** Only land-clearing waste such as wood, trees, tree trimmings, brush, or other vegetable matter indigenous to the site which is rendered as waste as a result of approved land clearing operations may be used as fuel for controlled burning operations.
5. **Attendance.** Fires shall be constantly attended until completely extinguished. A smoldering fire is not completely extinguished and should never be left unattended.
6. **Means of Extinguishment.** A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. Additional fire extinguishing provisions may be required by the Fire Marshal depending on the location and scope of the controlled burn operation.

GENERAL PROHIBITIONS

Endangering Property Prohibited. In accordance with Section 307.5.1 of the Fire Prevention Code (as amended by Fairfax County), no person shall kindle, authorize to be kindled, or maintain any permitted (i.e., allowable) fire in such a manner that will endanger the property of another. This might include an unlawful or unsafe controlled burning operation.

Prohibited Open Burning. In accordance with Section 307.1 of the Fire Prevention Code, a person shall not kindle or maintain or authorize to be kindled or maintained any open burning (i.e., controlled burning and bonfires) unless first approved by the Fire Marshal and conducted in accordance with the Fire Prevention Code. In addition, open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Burning of Refuse Prohibited. With the exception of the destruction and reduction of land-clearing waste through an approved controlled burning operation, the burning of refuse shall be prohibited. The definition of refuse originates from Fairfax County air pollution control regulations (Chapter 103, Fairfax County Code) and shall mean and include garbage, rubbish, and trade waste defined as follows:

- **Garbage.** Garbage shall mean animal and vegetable matter such as that originating in houses, kitchens, restaurants and hotels, produce markets, food service or processing establishments, greenhouses, and hospitals, clinics or veterinary facilities.
- **Rubbish.** Rubbish shall mean solids not considered to be highly flammable or explosive such as, but not limited to, rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, yard trimmings, furniture, metal food containers, glass, crockery, masonry, and other similar materials.
- **Trade Waste.** Trade waste shall mean all solid or liquid material resulting from construction, building operations, or the prosecution of any business, trade or industry such as, but not limited to, plastic products, cinders and other forms of solid or liquid waste materials.

For information about the environmental and health hazards related to burning refuse, including backyard and barrel burning, visit the Environmental Protection Agency (EPA) online at:

www.epa.gov/osw/nonhaz/municipal/backyard/index.htm

Ignitable Liquids or Hazardous Materials Prohibited. Combustible and flammable liquids, as well as other hazardous materials, shall not be used to aid the ignition of any open burning or recreational fire. Furthermore, the application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any controlled burn, bonfire, or recreational fire may be considered an unauthorized release of a hazardous material and is strictly prohibited.

Materials Producing Dense Smoke Prohibited. The burning of rubber, asphaltic materials, combustible and flammable liquids, impregnated wood or similar materials which produce dense smoke is considered objectionable, a hazard and nuisance to the community, and is prohibited.

Hazardous Fires Prohibited. The Fire Marshal or fire department may order the immediate extinguishment of any open burning or recreational fire because of one or more of the following hazardous situations:

- Unattended fires
- Unprotected or uncontained fires deemed capable of spreading
- Inadequate fire extinguishing equipment/materials
- Combustible exposure hazards
- Inappropriate or hazardous materials used as fuel
- Air contaminants, smoke, or other materials which may cause a traffic hazard

FORESTRY-RELATED REQUIREMENTS & PROHIBITIONS

4 P.M. Burn Law. During the period February 15 through April 30 of each year (Spring Wildfire Season), it shall be unlawful, in any county or city or portion thereof organized for forest fire control under the direction of the State Forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within 300 feet of any woodland, brushland, or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and midnight. During spring wildfire season, you are allowed to burn between 4 p.m. and midnight as long as you take proper care and precaution and attend your fire at all times. (Code of Virginia, §10.1-1142-B)

Questions about the *4 P.M. Burn Law*?

Visit the Virginia Department of Forestry (VDOF) online at:

www.dof.virginia.gov/info/faqs-burning.htm

Governor's Burn Ban. Upon proclamation of the Governor of Virginia, it shall be unlawful for any persons to do any open burning nearer than 300 feet from any forestlands, brushlands or fields in the Commonwealth of Virginia containing dry grass or other flammable material when such locations, or any parts thereof, have become so dry as to create a **serious** fire hazard endangering lives and property. Furthermore, it shall be unlawful for any person to smoke, burn leaves, grass, brush or debris of any type or to ignite or maintain any open fire nearer than 300 feet from any forestlands, brushlands or fields containing inflammable vegetation or marshland adjoining such forestlands, brushlands, fields or idle or abandoned lands, when such locations, or any parts thereof, have become so dry as to create an **extraordinary** fire hazard.

(Code of Virginia, §10.1-1158 & 1159)

Extinguishment of Open-Air Fires. Any person who builds a fire in the open air, or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended. (Code of Virginia, 10.1-1142-D)

Precautions against Spread of Fire. It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material, upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land. (Code of Virginia, 10.1-1142-A)

To learn more, visit the Virginia Department of Forestry (VDOF) online at:

www.dof.virginia.gov

AIR QUALITY RESTRICTIONS & FORECAST

Seasonal Restrictions. In accordance with Virginia's air quality regulations, controlled burning is not permitted in volatile organic compounds emissions control areas including Fairfax County and the towns of Clifton, Herndon, and Vienna during the months of May, June, July, August, and September of each year. Therefore, the Fire Marshal will not issue controlled burning permits effective during those months, and permits already issued shall become invalid and controlled burning operations discontinued. This restriction does not apply to lawful bonfires or recreational fires.

For detailed information on Virginia's air quality regulations restricting open burning, visit the open burning seasonal restrictions section of the Virginia Department of Environmental Quality's (DEQ) website at:

www.deq.virginia.gov/air/OpenBurning.html

Air Quality Index Restrictions. During all times of the year when the Air Quality Index (AQI) is greater than 150 (i.e., unhealthy or **CODE RED**), controlled burning operation shall be prohibited. This restriction does not apply to lawful bonfires or recreational fires.

The Metropolitan Washington Council of Governments (COG) is responsible for reporting daily air quality levels to the public in the region. For more information on air quality in the Washington, DC metropolitan area, visit the Air Quality section of the Fairfax County website at **www.fairfaxcounty.gov/hd/air/** or visit the Air Quality Forecast section of the Metropolitan Washington Council of Governments (COG) website at:

www.mwcog.org/environment/air/forecast/